IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY NINTH DAY OF MARCH TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.DEVINDER GUPTA, CHIEF JUSTICE

AND

THE HON'BLE MS.JUSTICE : G. ROHINI

WRIT APPEAL No.469 OF 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order in W.P.No.8670/1997, dated 10-2-2003 on the file of the High Court).

Between:

M. Raja Babu S/o Raghavulu. Appellant/Petitioner

AND

1.The District Judge,
East Godavari at Rajahmundry, E.G.District.
2.The District Forest Officer, Kakinada, E.G.District.
Respondents/Respondents

FOR THE APPELLANT : MR. K.V. SUBRAHMANYANARUSU, ADVOCATE.
FOR THE RESPONDENTS : G.P. FOR FOREST.

The Court delivered the following ORDER:

"Learned Counsel for the appellant frankly and rightly so, conceded that insofar as the factual aspect is concerned, that vehicle was liable to be confiscated in the absence of any evidence or proof by the appellant before the Confiscating Authority that he had no mens rea or knowledge of vehicle being used for illegal activity. His submission, basing upon the decision of a Division Bench of this Court in **Divisional Forest Officer v. Laxman Pratap Ray (1991 (1) ALT 304),** is that it was obligatory on the part of the Officer seizing the vehicle to ask the appellant as to whether the appellant was willing to compound the offence or not.

The learned counsel for the appellant states that the appellant is willing to have the offence compounded under the provisions of the Act and Rules made thereunder.

On this aspect, the learned counsel for respondents wants to have instructions.

List after two weeks.

Till further orders, it is directed that status quo obtaining as on today will continue to be maintained with respect to the vehicle and the appellant will not part with or create third party interest in the vehicle."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1.The District Judge, East Godavari at Rajahmundry, E.G.District.
2.The District Forest Officer, Kakinada, E.G.District.
3.Two CCs to the Govt.Pleader for Forest, High Court of A.P. Hyderabad.(OUT)
4.One spare copy.

H.A.

DRAFTED BY : H.A.
COMPARED BY :

HIGH COURT

HCJ
&
RGJ

NOTE : LIST AFTER TWO WEEKS

DT: 29-03-2004

ORDER :

W.A. NO.469 OF 04

DIRECTION